

Executive Summary – Enforcement Matter – Case No. 49751

City of La Coste

RN101916617

Docket No. 2014-1796-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of La Coste WWTP, located at the easterly city limits of La Coste, approximately 0.5 mile east-southeast of the intersection of Farm-to-Market Road 471 and Farm-to-Market Road 2790, 0.30 mile due south of the Southern Pacific Railroad, Medina County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 1, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,375

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$475

Total Due to General Revenue: \$11,900

Payment Plan: 35 payments of \$340 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49751
City of La Coste
RN101916617
Docket No. 2014-1796-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: August 20, 2014
Date(s) of NOE(s): October 31, 2014

Violation Information

Failed to prevent the discharge of wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0010889001 Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By August 20, 2014, ceased the discharge, and removed and properly disposed of the dead fish; and
- b. By September 24, 2014, purchased and installed a replacement sensor on the flow meter and repaired and calibrated the flow meter.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division,
Enforcement Team 1, MC R-15, (956) 430-6023; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: The Honorable Andy Keller, Mayor, City of La Coste, P.O. Box 112, La
Coste, Texas 78039
George Salzman, City Administrator, City of La Coste, P.O. Box 112, La Coste, Texas
78039
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	3-Nov-2014	Screening	17-Nov-2014	EPA Due	
	PCW	29-Dec-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	City of La Coste		
Reg. Ent. Ref. No.	RN101916617		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	49751	No. of Violations	1
Docket No.	2014-1796-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	90.0% Enhancement	Subtotals 2, 3, & 7	\$6,750
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Notes: Enhancement for one month of self-reported effluent violations, two orders without denial, repeat violator, and unsatisfactory performer classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$5
Estimated Cost of Compliance \$2,112

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$12,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,375
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$12,375
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Screening Date 17-Nov-2014

Docket No. 2014-1796-MWD-E

PCW

Respondent City of La Coste

Policy Revision 4 (April 2014)

Case ID No. 49751

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101916617

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 55%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one month of self-reported effluent violations, two orders without denial, repeat violator, and unsatisfactory performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 17-Nov-2014
Respondent City of La Coste
Case ID No. 49751
Reg. Ent. Reference No. RN101916617
Media [Statute] Water Quality
Enf. Coordinator Jennifer Graves
Violation Number 1

Docket No. 2014-1796-MWD-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Rule Cite(s) Tex. Water Code § 26.121(a)(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0010889001 Permit Conditions No. 2.g

Violation Description Failed to prevent the discharge of wastewater into or adjacent to water in the state. Specifically, on August 20, 2014, the ultrasonic flow meter malfunctioned causing the automated chlorine meter to release increased levels of chlorine into the receiving stream resulting in a fish kill of approximately three fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environment.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One daily event is recommended from the date the discharge began (August 20, 2014) to the date the discharge ceased (August 20, 2014).

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance by September 24, 2014.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$12,375

This violation Final Assessed Penalty (adjusted for limits) \$12,375

Economic Benefit Worksheet

Respondent City of La Costa
Case ID No. 49751
Reg. Ent. Reference No. RN101916617
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	20-Aug-2014	20-Aug-2014	0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,112	20-Aug-2014	24-Sep-2014	0.10	\$5	n/a	\$5

Notes for DELAYED costs

The first delayed cost is the estimated cost to cease the discharge and remove and properly dispose of the dead fish. Date required is the date the unauthorized discharge began. Final date is the date the discharge ceased and the dead fish were removed and properly disposed of. The second delayed cost is the actual cost to purchase and install a replacement sensor on the flow meter and to repair and calibrate the flow meter. Date required is the date the unauthorized discharge began. Final date is the date the repairs were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,112

TOTAL

\$5



Compliance History Report

PUBLISHED Compliance History Report for CN600655179, RN101916617, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600655179, City of La Coste

Classification: UNSATISFACTORY

Rating: 58.00

Regulated Entity: RN101916617, CITY OF LA COSTE

Classification: UNSATISFACTORY

Rating: 87.00

Complexity Points: 4

Repeat Violator: YES

CH Group: 08 - Sewage Treatment Facilities

Location: AT THE EASTERLY CITY LIMITS OF LA COSTE, APPROX 0.5 M ESE OF THE INTX OF FM 471 AND FM 2790, 0.30 M DUE S OF THE SOUTHERN PACIFIC RR IN MEDINA CO, TX

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):

WASTEWATER PERMIT WQ0010889001

WASTEWATER EPA ID TX0107743

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: December 02, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 02, 2009 to December 02, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jennifer Graves

Phone: (956) 430-6023

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/11/2010 ADMINORDER 2010-0038-MWD-E (Findings Order-Agreed Order Without Denial)
 Classification: Major
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 Rqmt Prov: Operational requirements No. 1 PERMIT
 Permit Conditions 2d PERMIT
 Description: Failed to prevent the discharge and accumulation of sludge in the receiving stream.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
 Rqmt Prov: monitoring and reporting no. 7.a PERMIT
 Description: Failed to notify the TCEQ of a noncompliance orally within 24 hours of becoming aware of the noncompliance and to provide a complete written report of the noncompliance within five days.
- 2 Effective Date: 02/18/2012 ADMINORDER 2010-1373-MWD-E (Findings Order-Agreed Order Without Denial)
 Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: MONITORING AND REPORTING REQUIREMENTS PERMIT

Description: Failed to provide notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility.

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121

Rqmt Prov: Effluent Limitations & Mon. Req. No 1&4 PERMIT

OPERATIONAL REQUIRMENTS PERMIT

Permit Conditions No. 2.d PERMIT

Description: Failed to prevent the discharge and accumulation of sludge and contaminants in the receiving stream. This violation includes violation tracking nos. 403555, 403556, and 403564.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121

Rqmt Prov: Permit Conditions No 2.g PERMIT

Description: Failed to prevent the unauthorized discharge of industrial wash water into or adjacent to water in the state

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: MONITORING AND REPORTING REQUIREMENTS PERMIT

Description: Failed to timely submit DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OTHER REQUIREMENTS PERMIT

Description: Failed to employ or contract with a licensed operator.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failed to comply with permitted effluent limits.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 15, 2010	(817653)
Item 2	January 22, 2010	(817647)
Item 3	June 21, 2010	(929699)
Item 4	July 06, 2010	(929700)
Item 5	August 16, 2010	(830322)
Item 6	October 14, 2010	(883080)
Item 7	November 10, 2010	(889495)
Item 8	December 13, 2010	(897858)
Item 9	January 17, 2011	(903763)
Item 10	February 17, 2011	(910649)
Item 11	March 15, 2011	(917908)
Item 12	April 18, 2011	(929702)
Item 13	May 13, 2011	(939607)
Item 14	June 09, 2011	(947019)
Item 15	July 18, 2011	(954281)
Item 16	August 22, 2011	(960859)
Item 17	September 15, 2011	(966956)
Item 18	October 11, 2011	(972924)

Item 19	November 14, 2011	(979058)
Item 20	December 13, 2011	(985894)
Item 21	February 13, 2012	(999558)
Item 22	March 16, 2012	(1005104)
Item 23	April 18, 2012	(1011659)
Item 24	May 15, 2012	(1018039)
Item 25	June 18, 2012	(1025780)
Item 26	July 17, 2012	(1033130)
Item 27	August 19, 2012	(1039647)
Item 28	September 13, 2012	(1048575)
Item 29	October 16, 2012	(1068948)
Item 30	November 19, 2012	(1068949)
Item 31	December 16, 2012	(1068950)
Item 32	January 19, 2013	(1082488)
Item 33	February 19, 2013	(1082487)
Item 34	March 18, 2013	(1090992)
Item 35	April 16, 2013	(1097319)
Item 36	May 15, 2013	(1108344)
Item 37	June 13, 2013	(1111933)
Item 38	July 18, 2013	(1118834)
Item 39	August 14, 2013	(1126622)
Item 40	September 13, 2013	(1131164)
Item 41	October 11, 2013	(1136918)
Item 42	November 13, 2013	(1142334)
Item 43	December 16, 2013	(1148772)
Item 44	January 13, 2014	(1154853)
Item 45	February 10, 2014	(1162164)
Item 46	March 14, 2014	(1168778)
Item 47	April 09, 2014	(1175957)
Item 48	May 12, 2014	(1182176)
Item 49	June 10, 2014	(1189078)
Item 50	July 16, 2014	(1194577)
Item 51	September 23, 2014	(1200960)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/31/2014	(1207406)	CN600655179	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LA COSTE
RN101916617**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1796-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of La Coste ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at the easterly city limits of La Coste, approximately 0.5 mile east-southeast of the intersection of Farm-to-Market Road 471 and Farm-to-Market Road 2790, 0.30 mile due south of the Southern Pacific Railroad in Medina County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on August 20, 2014, TCEQ staff documented that the Respondent failed to prevent the discharge of wastewater into or adjacent to water in the state. Specifically, on August 20, 2014, the ultrasonic flow meter malfunctioned causing the automated chlorine meter to release increased levels of chlorine into the receiving stream resulting in a fish kill of approximately three fish.
4. The Respondent received notice of the violation on November 4, 2014.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By August 20, 2014, ceased the discharge, and removed and properly disposed of the dead fish; and
 - b. By September 24, 2014, purchased and installed a replacement sensor on the flow meter and repaired and calibrated the flow meter.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0010889001 Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Twelve Thousand Three Hundred Seventy-Five Dollars (\$12,375) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Four Hundred Seventy-Five Dollars (\$475) of the administrative penalty. The remaining amount of Eleven Thousand Nine Hundred Dollars (\$11,900) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Forty Dollars (\$340) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not

later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twelve Thousand Three Hundred Seventy-Five Dollars (\$12,375) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of La Coste, Docket No. 2014-1796-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Bernard Manville J
For the Executive Director

12/18/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of La Coste. I am authorized to agree to the attached Agreed Order on behalf of the City of La Coste, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of La Coste waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Andy Keller
Signature

October 20, 2015
Date

Andy Keller
Name (Printed or typed)
Authorized Representative of
City of La Coste

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.